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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/135,024	08/17/1998	MAKI KATO	05905.0056	8790

22852 7590 01/29/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT &
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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/135,024	KATO ET AL.	
	Examiner	Art Unit	
	Motilewa A. Good-Johnson	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21, 24, 25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21, 24, 25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the following communications: Preliminary Amendment A, filed on 08/17/1998; IDS, paper # 7, filed on 07/09/1999; IDS, paper #8, filed on 09/01/1999; Election filed on 09/20/2000; Amendment B, filed on 02/08/2001; Amendment C, filed on 08/23/2001; Amendment d, filed on 02/06/2002; Amendment E, filed on 05/02/2002; Amendment F, filed on 11/13/2002.

This action is made final.

2. Claims 17-21, 24, 25 and 28 are pending in this application. Claims 22, 23, 26 and 27 have been canceled.

3. The present title of this application is "Data Processing Apparatus and Processing Method and Medium Therefor" (as originally filed).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-21, 24, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al., U.S. Patent Number 6,241,610, "Three-Dimensional

Image Processing System having Dynamically Changing Character Polygon Number",
class 463/33.

As per independent claim 17, a data processing apparatus for positioning a game character on a display, said apparatus comprising: a game character model, including a reference polygon and component polygons, Miyamoto discloses a character drawn with a number of polygons depending on the area of notice, col. 3, lines 33-59; a motion data table for storing motion data for executing a movement of the game character model, wherein motion data includes distance data and angle data . . . ; Miyamoto discloses a program storing memory having direction determining circuiting and moving amount determining circuitry for determining moving direction and moving amount in one display frame having angle range and inclination, col. 2, lines 15-50; a processor, wherein the processor computers the reference polygon at each of a plurality of trigger times based on a position information of said reference polygon and the motion data. . . directly places said component polygons for said reference polygon in the three dimensional space . . . Miyamoto et al. discloses determine where the object is to be photographed in three dimensional space based upon the moving amount within a display frame col. 2, lines 51-67 and in col. 3.

However, it is noted that Miyamoto et al. fails to disclose reference polygons, component polygons and articulating components per se. It is inherent that in Miyamoto et al. said face components could constitute reference polygons, body components could constitute said component polygons and said actual movement could constitute articulating components.

With respect to dependent claim 18, “. . . processor alienates said component polygons from said reference polygons.” Miyamoto et al. discloses in col. 3, lines 9-54.

As per independent claim 19, it is rejected based upon similar rational as above independent claim 17.

With respect to dependent claim 20, “a medium on which is stored a program for causing a computer to function as a processor” Miyamoto et al. discloses in col. 2, lines 12-13 and in col. 2, lines 41-50.

With respect to dependent claim 21, articulating components for the movement of the game character model. Miyamoto et al. discloses in col. 2, lines 51-67 and in col. 3.

However, it is noted that Miyamoto et al. fails to disclose reference polygons, component polygons and articulating components per se. It is inherent that in Miyamoto et al. said face components could constitute reference polygons, body components could constitute said component polygons and said actual movement could constitute articulating components.

With respect to dependent claim 24, a plurality of reference polygons. Miyamoto et al. discloses in col. 2, lines 51-67 and in col. 3.

However, it is noted that Miyamoto et al. fails to disclose reference polygons, component polygons and articulating components per se. It is inherent that in Miyamoto et al. said face components could constitute reference polygons, body components could constitute said component polygons and said actual movement could constitute articulating components.

With respect to dependent claim 25, Miyamoto et al. discloses articulating components for the movement of the game character model, col. 2, lines 51-67 and in col. 3.

However, it is noted that Miyamoto et al. fails to disclose reference polygons, component polygons and articulating components per se. It is inherent that in Miyamoto et al. said face components could constitute reference polygons, body components could constitute said component polygons and said actual movement could constitute articulating components.

With respect to dependent claim 28, a plurality of reference polygons. Miyamoto et al. discloses in col. 2, lines 51-67 and in col. 3, lines .

However, it is noted that Miyamoto et al. fails to disclose reference polygons, component polygons and articulating components per se. It is inherent that in Miyamoto et al. said face components could constitute reference polygons, body components could constitute said component polygons and said actual movement could constitute articulating components.

Response to Arguments

Applicant's arguments filed 11/13/2002 have been fully considered but they are not persuasive.

Applicant argues that Miyamoto teaches reducing the number of polygons in less noticeable areas rather than executing the movement of the character using reference

polygons and component polygons. Miyamoto discloses placing the object, or character in the three dimensional space as it is considered to be photographed based upon the moving amount determining circuitry which determines the moving amount within one display frame, and thus would not compute articulating components by placing the character as a photograph, col. 2, lines 51-65.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is

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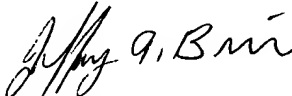
(703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj
January 27, 2003


JEFFREY DYER
PRIMARY EXAMINER